

## REMARKS

Restriction was required between nine groups, described in three groups of three:

Groups 1-3: Claims 6-9, 12 drawn to diagnosis of a pathological condition:  
malignancy

Groups 4-6: Claims 6, 10, 12 drawn to diagnosis of a pathological condition:  
aberrant sprouting in epilepsy

Groups 7-9: Claims 6, 11-12 drawn to diagnosis of a pathological condition:  
psychiatric disorder

For each group, Applicants were also required to elect a neurotrophic factor from among:  
BDNF  
NT-3  
NT-4 and NT-4/5

**Applicants hereby select with traverse:**

**Claims 6-9, 12 where the pathological condition is MALIGNANCY**

**and**

**where the neurotrophic factor is NT-4 and NT-4/5**

The grounds for traversal of this Restriction Requirement and species election include that since the pathological conditions are all treatable by the named neurotrophic factors, and since the named neurotrophic factors are often discussed in the same or related references, search of all claims and groups would not pose an undue burden on the Examiner.

Although no fees are believed to be due, please charge any fees to Deposit Account No.  
**08-1641 (Attorney's Docket No. 39766-0033 CP2C2C1).**

Respectfully Submitted,

Date: September 21, 2006

By:   
James A. Fox (Reg. No. 38,455)

**HELLER ERHMAN LLP**  
275 Middlefield Road  
Menlo Park, California 94025  
Telephone: (650) 324-7000  
Facsimile: (650) 324-0638

SV 2234609 v1 (39766.0033)